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**FACSIMILE COVER SHEET**

FROM: **Glen E. Books**

Date **March 10, 2004**

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TO: **Office of Petitions**

FACSIMILE NO.: **703-306-4145**

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TOTAL PAGES (WITH COVER) **13**

CLIENT ID/MATTER #: **13518/375**

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Message: In re: 10/021,174

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13518/375

Angst 3-2-18-40-42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 10 2004

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In re Application of :  
David L. Angst et al. :  
Serial No.: 10/021,174 :  
Filed: 10/29/2001 :  
For: Kinetically Controlled Solder Bonding :  
-----x

Group Art Unit: 2822  
Examiner: M. Lewis

**OFFICIAL**

United States Patent and Trademark Office  
Office of Petitions  
P.O. Box 1450  
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**DECLARATION OF GLEN E. BOOKS, ESQ. IN SUPPORT OF PETITION TO REVIVE**

Glen E. Books, Esq., in petition to revive the above-identified United States patent application declares as follows:

1. I am outside patent counsel for the inventors Angst *et al.* of the above-identified application and for the assignee, Agere Systems Inc.

2. On or about December 18, 2003, I received a telephone call from the Examiner to the effect that no response had been received to a non-final Office Action on the subject case mailed April 23, 2003. The case was identified by USPTO serial number and by client designation as Angst 1-1-11-21-26 ("Angst 1").

3. Our filing system is based upon the client designation. I checked the files for the Angst 1 case and found no file. A check of the records indicated that the file had been returned to the client. Such return is our established procedure with this client for a case that has been issued or for a case that the client has instructed us to abandon.

4. Based on this established procedure, the Examiner's statement of no response, the absence of an active file and the return of the file to the client, I concluded the case had not issued and, therefore, that the case was to be abandoned. I accordingly informed the Examiner.

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03/10/04 1523191.02

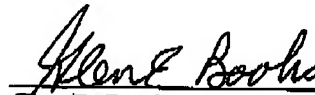
5. Unknown to me, the client designation for the subject case, namely Angst 1, was incorrect. The proper designation was Angst 3-2-18-40-42 ("Angst 3") and there was, in fact, an active file for Angst 3. Moreover a Response to the Office Action mailed April 23, 2003 had in fact been filed with proper a extension request on August 25, 2003. A copy of this Response is enclosed herewith.

6. Shortly prior to January 23, 2004, I received a second telephone call from the Examiner to the effect that the Examiner had sought to enter an abandonment in the case but that the computer system would not accept the entry. The Examiner asked me to file an express abandonment to facilitate disposition of the matter. I again confirmed the absence of an active Angst 1 file and that the file had been returned to the client. Still under mistaken belief as to the identity of the subject case, I FAXED the requested express abandonment on January 23, 2004.

7. Shortly after February 11, 2004, the client received the Notice of Abandonment of the subject case mailed February 5, 2004. The client, in possession of the returned Angst 1 file, was able to determine that Angst 1 had previously issued into a United States Patent and therefore that a mistake in identity had been made. Further investigation here revealed that the present case, a divisional of Angst 1, had been filed with the incorrect client designation Angst 1. The file designation here had subsequently been corrected to Angst 3. As a result, my searches for an Angst 1 file here had wholly failed to reveal the pertinent file.

8. I did timely respond to the Office Action in the Angst 3 case, and it was never my intention to abandon the Angst 3 case. A copy of the PAIR system print out for the Angst 3 application (incorrectly identified as Angst 1) is attached hereto. Entry 16 records receipt of the Response on August 25, 2003. A copy of this response which bears the correct USPTO serial number is enclosed herewith. It is also noteworthy that PAIR records the file for the case was lost between 11/2/03 and 12/19/03. (Entries 19, 20). This lost status may explain the Examiner's erroneous belief on or about 12/18/03 that no response had been filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

  
Glen E. Books, Esq.

Dated: March 10, 2004